

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSEPH YOUNG,	}	
Petitioner,	}	
v.	}	CIVIL ACTION NO. H-08-3767
	}	
HARRIS COUNTY, <i>et al.</i> ,	}	
Respondents.	}	

OPINION ON DISMISSAL

Petitioner Joseph Young has filed a pleading entitled “Plaintiff’s Writ of Habeas Corpus to Become Effective Upon the Arrest or Detainment of this Plaintiff.” (Docket Entry No.1). Petitioner does not indicate, and the record does not show, that he was “in custody” when he filed the pending petition. Because petitioner was not in custody pursuant to a judgment of a state or federal court when he filed the present petition, he cannot seek federal habeas relief pursuant to 28 U.S.C. §§2241, 2254.

Moreover, petitioner’s pleadings do not reflect that he seeks federal habeas relief. Instead, petitioner’s pleadings reflect that he seeks to provide additional evidence of injuries that he has allegedly suffered at the hands of local county and city law enforcement officers to support prior complaints filed pursuant to 42 U.S.C. § 1983. *See Young v. City of Houston*, Civil Action No.4:04cv3015 (S.D. Tex. May 26, 2007); *Young v. City of Houston*, Civil Action No.4:00cv2348 (S.D. Tex. Mar. 8, 2001). Because these cases are now closed, the Court DENIES plaintiff’s attempt to supplement such cases with new evidence to support his civil rights claims.

The federal courts are authorized to dismiss a federal habeas petition without ordering a response where it plainly appears that the petitioner is not entitled to relief. 28 U.S.C. § 2243; Rule 4, Rules Governing Section 2254 Cases in the United States District Courts. For

the reasons stated herein, the Court DISMISSES this habeas action WITH PREJUDICE. A certificate of appealability is DENIED. All pending motions, if any, are DENIED.

SIGNED at Houston, Texas, this 18th day of February, 2009.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE